

## REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

### Interview Summary

As a preliminary matter, the Applicants express their appreciation to the Examiner for extending the courtesy of a personal interview with Applicants' representative on September 12, 2006. During the interview, Applicants' representative described the invention and discussed the differences between the claimed invention and the cited prior art. In particular, the interview discussion focused on U.S. Patent No. 6,463,462 to Smith *et al.* ("Smith"), and on features of the present invention that are not disclosed or suggested by Smith. In addition, possible amendments to the claim language were suggested by the Examiner to further clarify the invention.

### Summary of the Response

By the foregoing amendments, claims 1, 17, 49, 70, 90, 104 and 125-127 have been amended, claims 4, 7, 12, 28, 65, 101 and 111 have been canceled, and new claim 131 has been added. No new matter is contained in the amendments. Claims 33-48, 118-123 and 128-139 have been previously withdrawn. Thus, claims 1-3, 5, 6, 8-11, 13-27, 29-32, 49-64, 66-100, 102-110, 112-117, 124-127 and 131 are pending in this application and subject to examination.

In the Office Action mailed June 23, 2006, claims 13, 28, 65, 102 and 112 were objected to for informalities. Claims 1-9, 12-25, 28-32, 49-57, 65-78, 86-89, 90-95, 101, 102, 104-109, 111, 112, 124, 126 and 127 were rejected under 35 U.S.C. § 102(e) as

being anticipated by Smith. Claims 10, 11, 26, 26, 58-64, 79-85, 96-100, 103, 110 and 113-117 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of U.S. Patent No. 6,643,684 to Malkin *et al.* ("Malkin"). It is noted that claims 1, 17, 49, 70, 90, 104 and 125-127 have been amended, claims 4, 7, 12, 28, 65, 101 and 111 have been canceled, and new claim 131 has been added. To the extent the rejections remain applicable to the claims currently pending, the Applicants respectfully traverse the rejections, as follows.

### **Formal Matters**

Regarding the objection to claims 13, 28, 65, 102 and 112 for informalities, it is respectfully submitted that claims 12, 28, 65, 101 and 111 have been canceled responsive to the rejection. The Applicants respectfully request reconsideration and withdrawal of the objection.

### **Claim 1 Recites Patentable Subject Matter**

Regarding amended claim 1, the Applicants respectfully submit that nothing in the cited prior art discloses or suggests at least the combination of features of "means for determining a sequence of a primary and at least one secondary communications channels for delivery of the message, . . . means for delivery of the message over the primary communication channel, means for detecting one of a plurality of conditions indicative of non-receipt of the message via the primary channel, and upon receipt of one of the plurality of conditions indicative of non-receipt, means for delivery of the message over the at least one secondary communication channel," as recited in claim 1, as amended.

For at least this reason, the Applicants respectfully submit that claim 1, as amended, is allowable over the cited prior art.

**Claims 17, 49 and 70 Recite Patentable Subject Matter**

Regarding amended claims 17, 49 and 70, the Applicants respectfully submit that nothing in the cited art, taken alone or in combination, discloses or suggests at least the combination of features of "at the sender, determining a sequence of the communications channels for delivery of the message based on a subscriber profile; and delivering the message over at least one of the sequenced communications channels until acknowledgement of message receipt by the subscriber," as recited in claim 17, as amended, and in the similar language of amended claims 49 and 70.

For at least this reason, the Applicants respectfully submit that claims 17, 49 and 70, as amended, are allowable over the cited prior art.

**Claims 90, 104 and 124-127 Recite Patentable Subject Matter**

Regarding amended claims 90, 104 and 124-127, the Applicants respectfully submit that nothing in the cited art, taken alone or in combination, discloses or suggests at least the feature of the present invention of "means for accepting the message from a sender, the message including an instruction for delivery of the message over the multiple communications channels," as recited in claim 90, as amended, and in the similar language of claims 104 and 124-127.

For at least this reason, the Applicants respectfully submit that claims 90, 104 and 124-127, as amended, are allowable over the cited prior art.

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**Claims 2, 3, 5, 6, 8-11, 13-16, 18-27, 29-32, 50-64, 66-69, 71-89, 91-100, 102, 103, 105-110, 112-117 and 131 Recite Patentable Subject Matter**

Regarding amended claims 2, 3, 5, 6, 8-11, 13-16, 18-27, 29-32, 50-64, 66-69, 71-89, 91-100, 102, 103, 105-110, 112-117 and 131, the Applicants respectfully submit that each of these claims depends from one of allowable claims 1, 17, 49, 70, 90 and 104, and is therefore allowable for at least the same reasons.

**Conclusion**

For all of the above reasons, it is respectfully submitted that the claims now pending recite patentable subject matter. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is encouraged to telephone the undersigned representative at the number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with

this communication to Deposit Account No. 01-2300, referring to client-matter number 014873-00024.

Respectfully submitted,



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Enclosure: Petition for Extension of Time (one month)